

<b>TOWN OF SOUTH BETHANY</b> <b>TOWN COUNCIL REGULAR MEETING MINUTES</b> <b>JUNE 12, 2009</b>
---

### **ATTENDANCE**

PRESENT: Mayor Gary Jayne; Councilpersons John Fields, Jay Headman, Tim Saxton, Diane Matera, Marge Gassinger, and Rob Youngs; Town Manager Melvin Cusick; M/Cpl. Eric Watkins; and Administrative Assistant Pam Smith

### **MEETING CALLED TO ORDER**

Mayor Jayne called the June 12, 2009, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

Mayor Jayne presented the Certified Municipal Clerk Certificate to Pam Smith. He stated that it takes a lot of time and effort to obtain the certification, and it is gratifying that the people who work for the Town are conscientious and willing to improve their qualifications.

### **PROPERTY OWNERS' PARTICIPATION**

- Mike Matera (311 W. 9<sup>th</sup> St.) – Inquired why the Town had put in 6 X 6s instead of planting bushes where the bulkheads had been repaired. The Town Manager stated that the Town does not have any landscaping or beautification money in the budget. He also noted that the roots on the Junipers that were planted there were part of the problem and had damaged the bulkhead. Mr. Matera stated that it looks lousy.
- Tom Roche (141 Henlopen Dr.) – Was disappointed to read in the paper that Council was not going to be reporting on the Assawoman Canal Dredging. Mayor Jayne stated that Council will continue to monitor it. Councilwoman Gassinger stated that the Council will report on progress and/or changes to the current dredging plans.
- Ron Wuslich (Center for the Inland Bays) – Asked property owners to call upstate senators and suggest that they vote in favor of House Concurrent Resolution 7 which calls for the use of the best technology available. The NRG power plant in Millsboro uses a process called once-through-cooling which their own study documented kills 4 million fish and 500,000 crabs a year. Mr. Wuslich stated that there is an alternative best technology available.
- Jack Wise (146 Evergreen Rd.) – Inquired what the Town's procedure was for cutting bushes on a person's property. Mayor Jayne stated that the Town only cuts bushes and branches that extend into the right-of-way. Mr. Wise noted that Cleveland Ave. is on his property and he has a letter from former Councilman Bob Cestone verifying that. Mr. Wise asked if the Town was going to continue to cut the bushes in the future, and if so, he would not cut them himself anymore. Mayor Jayne advised Mr. Wise to not cut them himself. The Town Manager stated that the Town is responsible for keeping the town right-of-way clear. Mr. Wise stated that he appreciates the Town doing it.
- Dan Cowell (110 Henlopen Dr.) – Stated that last weekend there were six or eight vehicles parked on the two vacant lots directly across from his home. He stated that it was obvious that some of them were from out-of-town because you could see them going back to their cars from the beach. Mr. Cowell inquired if there was a law or regulation regarding this. M/Cpl. Watkins stated that as long as they are not in the right-of-way there isn't anything the police can do unless the owner of the lot complained.

- Don Beck (212 Bayshore Dr.) – Thanked the returning Council Members for their service and welcomed the three new Council Members. He wished Council the best of luck in their deliberations during the coming year.
- Tom Roche (141 Henlopen Dr.) – Regarding Mediacom, Mr. Roche is having problems with blackouts and dropouts primarily on channels 11 and 7. He reported the problem to Mediacom and it took 9 days for a technician to look at the problem. The technician was unable to fix the problem. Other property owners in attendance were having similar problems and complaints. Councilman Headman will follow up with David Kane of Mediacom.

### **ADOPTION OF MINUTES**

Note: The new council members (Diane Matera, Tim Saxton, and Rob Youngs) only voted on the Town Council Organizational Meeting Minutes of May 30, 2009.

- **Town Council Special Meeting/Budget Workshop IV Notes, May 5, 2009** – A motion was made by Councilman Fields, seconded by Councilwoman Gassinger, to accept the May 5, 2009, Special Meeting/Budget Workshop IV Notes. The motion was adopted.
- **Town Council Public Hearing on Ordinance 150-09 Minutes, May 8, 2009** – A motion was made by Councilman Fields, seconded by Councilwoman Gassinger, to accept the May 8, 2009, Town Council Public Hearing on Ordinance 150-09 Minutes. The motion was adopted.
- **Town Council Regular Meeting Minutes, May 8, 2009** – A motion was made by Councilwoman Gassinger, seconded by Councilman Fields, to accept the May 8, 2009, Town Council Regular Meeting Minutes. The motion was adopted.
- **Town Council Public Meeting Minutes, May 16, 2009** – A motion was made by Councilman Fields, seconded by Councilwoman Gassinger, to accept the May 16, 2009, Town Council Public Meeting Minutes. The motion was adopted.
- **Town Council Organizational Meeting Minutes, May 30, 2009** – A motion was made by Councilman Fields, seconded by Councilwoman Gassinger, to accept the May 30, 2009, Town Council Organizational Meeting Minutes. The motion was unanimously carried.

### **LEADERSHIP REPORTS**

- **Mayor's Report**—Mayor Jayne reported:

Attended the State of Delaware Police Chiefs Association's Annual Police Awards Dinner. The guest speaker was from the International Chief of Police Association and Mayor Jayne was surprised to learn that 133 police officers died in the line of duty last year in the United States. Mayor Jayne stated that it is gratifying that Chief Deloach is so well respected by other Police Chiefs and that he is very active in the Chief of Police affairs. The Chiefs Association runs Camp Barnes and Chief Deloach is on that Board of Directors.

The Ambulance Sponsors Meeting was held on May 28 at the South Bethany Town Hall. Mayor Jayne was appointed the Chairman of the Sponsors Committee for this year and the meetings will be held at South Bethany's Town Hall during that time. The ambulance service is in good shape and living within their budget. The next meeting will be in August to put together the new budget for the next year. In 130 days, from January 1 to May 19, the new ambulance service had 196 ambulance calls which is more than one a day.

Attended the monthly SCAT Dinner Meeting on June 3. The principal speaker was Chris Bason from the Center for the Inland Bays (CIB). He talked about various programs the CIB

has and he emphasized the contract South Bethany has with the Army Corps of Engineers to study the stormwater situation on Rt. 1. He was very complimentary to South Bethany in regard to that contract.

- **Town Manager's Report**—Melvin Cusick reported:

The contractor finished most of the work on the beach crossovers before Memorial Day. He is currently working on a punch list of corrections which will hopefully be completed next week.

Beach Patrol Statistics: Six rip current rescues, four minor first aid assistances, the beach has been closed due to lightning four times, and swimming has been restricted due to fog four times.

Councilman Headman inquired if the Beach Patrol Captain had seen an increase in injuries since the beach replenishment. The Town Manager stated that the Beach Patrol Captain believes the beach replenishment reduced the injuries at South Bethany because of the way the sand was distributed.

Councilman Fields stated that the beach regulations at the walkways are hard to see. The Town Manager said that was the sample that Council had picked out.

Dan Cowell said that he was concerned about how older folks, especially with some kind of impairment, would be able to negotiate the beach walkways. The Town Manager stated that they are a 12-1 slope which meets ADA standards and is the best the Town can do with the amount of right-of-way in that area. Mr. Cowell suggested installing stairs similar to the ones he has seen in Bethany Beach which would traverse that kind of elevation. Mayor Jayne noted that the Beach Replenishment Project was entirely a state and federal project. Mayor Jayne stated that the Town does have beach wheelchairs which can be obtained through the Beach Patrol.

Ed Nazarian inquired about the red all-terrain vehicle. The Town Manager stated that it is the Beach Patrol's vehicle which was approved in this year's budget. It was purchased under state contract at a very good price. It is less intrusive than the four wheel truck. The Beach Patrol will use it to monitor the beach vendor and it will allow the Beach Patrol to get their equipment back and forth.

- **Treasurer's Report**—Melvin Cusick reported as of May 31, 2009:

May Revenue	\$ 111,090.93
May Disbursements	\$ 197,713.23
Balance	\$ 1,039,860.69

In May of 2009 the Town received \$32,535.91 in transfer tax income which is \$18,576.68 over May of 2008.

- **Police Department Report/Questions**—M/Cpl. Eric Watkins reported for the month of May, 2009:

May 3 Identity theft reported on Layton Dr. Suspects created a fake website with the victim's information. The site creator was tracked to a company in Canada which makes it difficult to prosecute because it is out of the department's jurisdiction.

May 6 Burglar alarm on Bayshore Dr. The residence was checked and it was found to be a false alarm.

- May 6 Theft of services reported from a construction site on Anchorage Dr. The investigation is still pending.
- May 13 Burglar alarm reported on N. 4<sup>th</sup> St. The cleaning company had set the alarm off accidentally.
- May 15 Burglar alarm on S. 5<sup>th</sup> St. The residence was checked and found to be secured. A false alarm.
- May 15 A theft reported on N. 1st St. Unknown suspects entered the victim's unlocked residence and removed his camera and laptop computer.
- May 16 Agency assist apprehending a local fugitive in Fenwick Island.
- May 16 Apprehended local fugitive who had outstanding traffic violations in New Castle County.
- May 17 Assisted Fenwick Island stopping a vehicle that contained 7 illegal immigrants. All the subjects were detained and turned over to the Department of Homeland Security.
- May 23 Traffic accident at Rt. 1 and Henlopen Dr. A vehicle pulled out of Bayview Park and drove northbound in the southbound lane striking two vehicles head on and almost striking one of South Bethany's officers. The driver was taken into custody and issued several summonses. No injuries were reported.
- May 24 Fireworks complaint on Ocean Dr. and S. 6<sup>th</sup> St.
- May 24 Loud party on Carlisle Dr. The complaint was unfounded.
- May 25 DUI stop on Rt. 1 and Evergreen Rd. The subject was arrested.
- May 31 Felony car stop on Rt. 1 for a stolen vehicle from Arizona. Suspect was arrested and taken into custody.

Regarding children under 16 riding their bicycles without a helmet, Mike Matera suggested warning them the first time and fining them the second time.

### **COMMITTEE REPORTS**

- **Planning Commission** – Councilman Fields reported:

The Planning Commission has reviewed and revised their By-Laws and Procedures, Procedures for Request for Subdivisions of Land, and Chapter 20 of the Town Code. The revisions to Chapter 20 of the Town Code will require an ordinance. The revisions will need to be approved by the Town Council. Council agreed to discuss the revisions at the June 23 Town Council Special Meeting/Workshop.

- **Canal Water Quality** – Councilman Headman reported:

Councilman Headman explained that the Town started quite a few years ago looking at the stormwater that is dumped into the Anchorage Canal via a pipe from the area north of South Bethany. In 2004 DeIDOT put in the forebay to reduce the amount of sediment going into the canal. A follow-up study concluded that the forebay is about 28% effective in reducing sediments and pollutants from going into the canal. With the help of Chris Bason of the Center for the Inland Bays, the Town received a grant which the Army Corps of Engineers

and DelDOT are supporting to do the Anchorage Canal Drainage Area Retrofit Assessment Project. The study will include a recommendation for five retrofit strategies to deal with the pollutants. The Canal Water Quality Committee is in the process of putting out a grant proposal to get some monies to support some of the retrofit strategies that will be recommended. The report and project should be concluded in December. The project is being done by the Center for Wetland Protection, a company nationally known for their work.

Recently three members of the Canal Water Quality Committee attended a Focus on the Delaware Coast workshop called "Groundwater: Our Hidden Resource" which addressed the importance of groundwater and what we should be doing to keep our groundwater level and clarity to the level that it is.

Allan Allenspach heads the effort for oyster gardening. There are over 30 sites in town. Fenwick Island and South Bethany have 80% of the floats that are actually growing oysters. Ultimately DNREC puts them out into areas to see how effective they can be. Councilman Headman thanked the South Bethany Property Owners Association for providing the funds for this project.

David Wilson is heading up the monitoring of South Bethany's canals for water quality. There are seven sites to monitor. The purpose is to look at what the water quality levels are. Councilman Headman thanked David Wilson and the other members who participate in this program.

### **ORGANIZATIONAL MATTERS**

A motion was made by Councilman Headman, seconded by Councilman Saxton, to adopt the Rules of Procedures and Protocol Governing Absences From Town Council Meetings for FY 10. The motion was unanimously carried.

(The Town of South Bethany Rules of Procedure and the Town of South Bethany Policy Protocol Governing Absences From Town Council Meetings are attached.)

Mayor Jayne appointed Councilman Saxton to serve as Treasurer. Council ratified the appointment unanimously.

### **ADJOURNMENT**

A motion was made by Councilman Fields, seconded by Councilman Headman, to adjourn the June 12, 2009, Town Council Regular Meeting at 7:55 p.m.

PHS:Regular Meeting Minutes.6.12.09 Amended

Attachments: The Town of South Bethany Rules of Procedure and the Town of South Bethany Policy Protocol Governing Absences From Town Council Meetings